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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. CRAIG THOMAS MURNION, Defendant.	CR 18-93-BLG-DLC OFFER OF PROOF
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The United States, represented by Assistant U.S. Attorney Thomas K. Godfrey, files the following offer of proof in anticipation of the change of plea hearing set in this case on January 4, 2019.

THE CHARGES

The defendant, Craig Thomas Murnion, is charged by indictment with prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(3). There is a forfeiture allegation in the indictment.

PLEA AGREEMENT

There is no plea agreement in this case. Murnion has indicated that he will plead guilty to the indictment without the benefit of a plea agreement. In the government's view, this is the most favorable resolution for the defendant. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF THE CHARGES

In order for the defendant to be found guilty of felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(3), the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed the firearm or ammunition as charged;

Second, at the time he possessed the firearm or ammunition the defendant was an unlawful user of any controlled substance; and

Third, the firearm or ammunition was shipped in interstate or foreign commerce.

PENALTIES

The count in the indictment carries a maximum penalty of ten years, a \$250,000 fine, at least three years of supervised release, and \$100 special assessments.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On May 16, 2018, Billings Police Officers and ATF conducted a state search warrant at the residence of Craig Murnion in relation to a the robbery of a cell phone store in Billings, Montana. Law enforcement had received information that Murnion had the firearm used in the robbery and that Murnion possessed a saw-off shotgun and other firearms.

During execution of the search warrant, law enforcement seized the following firearm, a Spanish Military, model 1916, 7.62 caliber bolt action rifle, bearing serial number 3Z1628.

Murnion was arrested on May 16, 2018 and held at the Yellowstone County Detention Facility. Law enforcement reviewed phone calls made by Murnion while in custody. During the calls, Murnion made statements to his girlfriend that the suspected methamphetamine found during the search warrant is his. Murnion also admitted in a call to that his problems come from substance abuse.

On May 17, 2018, Billings Police officers interviewed Murnion at the Yellowstone County Detention Facility. He stated that he used meth but not heroin.

Murnion has recent arrests for possession of dangerous drugs and possession of drug paraphernalia on June 3, 2017 and distribution of dangerous drugs and possession of drug paraphernalia on February 12, 2018.

ATF agents did an interstate nexus evaluation of the firearm and determined it had not been manufactured in Montana and travelled in and affected interstate commerce.

DATED this 3rd day of January, 2019.

KURT G. ALME
United States Attorney

/s/ Thomas K. Godfrey
THOMAS K. GODFREY
Assistant U.S. Attorney